

AMENDED IN SENATE APRIL 18, 2006

AMENDED IN SENATE APRIL 3, 2006

SENATE BILL

No. 1842

Introduced by Senator Migden

March 2, 2006

An act relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1842, as amended, Migden. San Francisco sports stadium project validation.

Existing law authorizes the board of supervisors of a county to construct, expand, lease, build, rebuild, furnish, refurnish, or repair buildings for various public purposes, including, a stadium, coliseum, sports arena, or sports pavilion, or other building for holding sports events, athletic contests, contests of skill, exhibition, spectacles, and other public meetings. Existing law sets forth the procedures pursuant to which a public agency may bring or respond to an action in the superior court to determine the validity of matters undertaken by the public agency and generally authorized to be determined by the court. Existing law permits a validation action only when bonds, warrants, contracts, and other obligations are authorized, which occurs when a governing body adopts the measure authorizing the issuance of the bonds or warrants, or approving the contract.

This bill would authorize the City and County of San Francisco to bring an action at any time, whether before or after final authorization of the proposed sports stadium project, to determine the validity of any sports stadium project matter, as specified.

This bill would make legislative findings and declarations regarding the need for special legislation.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) This act shall be known and may be cited as
2 the “Sports Stadium Project Validation Procedure.”
3 (b) As used in this section, the following definitions apply:
4 (1) “Sports stadium” means a stadium, arena, pavilion, or
5 other structures or buildings designed and intended primarily for
6 holding professional athletic events, including, but not limited to,
7 football, soccer, baseball, and basketball.
8 (2) “Sports stadium project” means a project that meets all of
9 the following:
10 (A) The project is proposed to be built in whole, or in part, on
11 real property that the City and County of San Francisco owns.
12 (B) The project was the subject of a voter-approved measure.
13 (C) The project involves the proposed development,
14 entitlement, site assembly, operation, maintenance, repair, use,
15 management, and financing of a sports stadium and any related
16 uses, including, without limitation, any residential, commercial,
17 parking, open space, and other mixed-use improvements and
18 infrastructure proposed to be developed in connection with a
19 sports stadium.
20 (3) “Sports stadium project matter” means any interpretation
21 or construction of, or findings or determination of authority,
22 concerning the consistency of a sports stadium project with the
23 provisions of any charter, ordinance, or declaration of policy
24 adopted by the voters of the City and County of San Francisco
25 and any related provisions of local law, that is made by its
26 legislative body or any other agency, commission, or officer of
27 the City and County of San Francisco, even if the interpretation,
28 construction, finding, or determination is conditional or has not
29 been given effect in any final authorization relating to the
30 proposed sports stadium project. The interpretation, construction,
31 finding, or determination may be set forth in a resolution of the
32 legislative body, agency, board, or commission, or any other
33 action provided for under any charter, ordinance, regulation, or
34 other law of the City and County of San Francisco or by other
35 applicable law.

(c) Notwithstanding Sections 863 and 869 of the Code of Civil Procedure, the City and County of San Francisco may, at any time, whether before or after final authorization of the proposed sports stadium project, bring an action pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure to determine the validity of any sports stadium project matter. While the City and County of San Francisco may bring an action authorized by this act before final authorization of the proposed sports stadium project, any discretionary authorization by the City and County of San Francisco of the proposed sports stadium project, including the construction of the sports stadium, shall remain subject to any applicable requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), and the action shall not include any determination as to the compliance of the sports stadium project with the requirements of the California Environmental Quality Act, or any other matter that is not a sports stadium project matter as defined above, including, but not limited to, the *Planning and Zoning Law (Title 7 (commencing with Section 65000) of the Government Code) and the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).*

(d) The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the City and County of San Francisco. The facts constituting the special circumstances are:

The voters in the City and County of San Francisco approved measures for the development of a new sports stadium and complementary uses at Candlestick Point. Before undertaking this major investment of money and resources as part of a public-private development partnership, the City and County of San Francisco needs to ensure that a proposed project at this site is viable and consistent with the voter-adopted measures. Because Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure does not permit a validation action until final authorization of a project, it is necessary for the Legislature to enact special legislation that

- 1 allows for the City and County of San Francisco to bring an
- 2 action before the final authorization of the proposed sports
- 3 stadium project, to determine the validity of any sports stadium
- 4 project matter.